

GRANTING THE CONSENT OF CONGRESS TO THE
CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

NOVEMBER 7, 1997.—Referred to the House Calendar and ordered to be printed

Mr. GEKAS, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.J. Res. 95]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the joint resolution (H.J. Res. 95) granting the consent of Congress to the Chickasaw Trail Economic Development Compact, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

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PURPOSE AND SUMMARY

H.J. Res. 95 grants the consent of Congress to the Chickasaw Trail Economic Development Compact entered into between the State of Tennessee and the State of Mississippi. The Compact seeks to promote economic development in a rural area near Memphis, Tennessee that includes portions of Fayette County, Tennessee and Marshall County, Mississippi. It creates an Authority whose task it will be to conduct studies and surveys of the problems, benefits, and others matters associated with the development of the of the area described in the compact, and to report thereon. It is anticipated that, upon a favorable report by the authority, the States would negotiate a new compact to provide for establishment of a 4,000 to 5,000 acre industrial park.

BACKGROUND AND NEED FOR THE LEGISLATION

Article I, Section 10, clause 3 of the United States Constitution provides that "[n]o State shall, without the Consent of Congress, . . . enter into any Agreement or Compact with another State, or with a foreign Power . . ." Congress' consent is required in order to prevent inter-State agreements and compacts from harming non-party States or conflicting with federal law or federal interests.

In 1992, the Marshall County Industrial Development Authority recognized the need to develop a large regional industrial park in the northern part of the county. The idea of a two-State industrial park materialized when a large tract of relatively uninhabited land, owned by only a few individuals, was identified on both sides of the Mississippi-Tennessee border. Located adjacent to the Memphis metropolitan area, this region is traversed by three major thoroughfares. Verbal agreement of the landowners to participate in a public-private partnership and the support of local and State officials for the concept helped to promote the project, which was endorsed in 1995 by Tennessee Governor Don Sundquist and Mississippi Governor Kirk Fordice.

In 1996, the Tennessee and Mississippi State Legislatures passed enabling legislation creating the Chickasaw Trail Economic Development Compact, subject to Congressional approval, and they set up a board of directors for its development.

The industrial park envisioned by the Compact is located adjacent to the metropolitan Memphis area which is in need of available land for future industrial growth. The rural nature of the tract, plus its current and planned accessibility, make it advantageous for a planned park providing jobs for residents of both states.

HEARINGS

The Committee's Subcommittee on Commercial and Administrative Law held a hearing on H.J. Res. 95 on Thursday, October 23, 1997. Testimony was received from Representative Ed Bryant (TN), Representative Roger F. Wicker (MS), and Michael Thornton, Project Director, Chickasaw Trail Economic Development Compact.

COMMITTEE CONSIDERATION

On October 23, 1997, the Subcommittee on Commercial and Administrative Law met in open session and ordered reported the bill H.J. Res. 95 by voice vote, a quorum being present. On October 29, 1997, the Committee met in open session and ordered reported favorably the bill H.J. Res. 95, without amendment, by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

No recorded votes were taken.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the resolution, H.J. Res. 95, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 30, 1997.

Hon. HENRY J. HYDE, *Chairman*
Committee on the Judiciary
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.J. Res. 95, a joint resolution granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

cc: Hon. John Conyers, Jr.,
Ranking Minority Member

H.J. Res. 95—A joint resolution granting consent of Congress to the Chickasaw Trail Economic Development Compact

CBO estimates that enacting H.J. Res. 95 would result in no cost to the federal government. Because enactment of H.J. Res. 95 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The resolution contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and any costs resulting from amendments to the compact would be borne voluntarily by the affected states.

H.J. Res. 95 would give Congressional consent to the Chickasaw Trail Economic Development Compact entered into between the states of Tennessee and Mississippi. This compact would establish a joint agency to facilitate economic growth in a rural area near Marshall County, Mississippi and Fayette County, Tennessee.

The CBO staff contact for this estimate is Susanne S. Mehlman, who can be reached at 226–2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XI, clause 2(l)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8 and Article I, section 10, clause 3 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Sec. 1. The first portion of the joint resolution grants the consent of Congress to the Chickasaw Trail Economic Development Compact entered into by the State of Tennessee and the State of Mississippi. It sets forth the compact substantially as passed by the respective states.¹ The Compact contains six articles.

Article I states the purpose of the Compact, which is to create a development authority to facilitate economic growth in Fayette County, Tennessee and Marshall County, Mississippi.

Article II makes the Compact effective once passed by the legislatures of both States and consented to by Congress.

Article III establishes the Chickasaw Trail Economic Development Authority and sets out its membership, terms of service, responsibilities, powers, and other elements of the structure and functions of the Authority.

Article IV provides for appointment by the Authority of a secretary to be the compact administrator and it sets out details regarding that office and its functions.

Article V makes clear that the Compact has no effect on existing law, on the powers of any party or State, on other economic devel-

¹ See Tenn. Code Ann. § 13–2–301 (1997); Miss. Code Ann. § 57–36–1 (1997).

opment projects, or on existing or future arrangements or relationships between any federal agencies and States.

Article VI sets out the duration of the Compact and makes provision for withdrawal from, and termination of, the Compact.

Sec. 2. Inconsistency of Language. Section 2 states that the validity of the Compact, and Congress' consent to it, shall not be affected by insubstantial differences between the versions of the Compact adopted by the States or set out in the resolution. Insubstantial differences are those differences that do not affect the meaning of the sentences in which they appear.

Sec. 3. Right to Alter, Amend, or Repeal. Section 3 reserves the right of Congress to alter, amend, or repeal its consent to the Compact.

AGENCY VIEWS

No agency views were received on H.J. Res. 95.

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